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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,

Plaintiff,

v.

APPLE INC.

Defendant.

Case No. 4:20-cv-05640-YGR-TSH

**[PROPOSED] ORDER RE NON-PARTY
SPOTIFY USA INC.'S ADMINISTRATIVE
MOTION TO SEAL EXHIBITS DX-4491
AND DX-4641**

On April 30, 2021, Non-Party Spotify USA Inc. (“Spotify”) filed an Administrative Motion to Seal Exhibits DX-4491 and DX-4641, which Apple Inc. (“Apple”) intends to introduce as exhibits at trial. Through its Administrative Motion to Seal, Spotify moves to seal the following documents in their entirety:

Document or Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Ruling
Exhibit No. DX-4491: Spreadsheet of two tabs: “UsersPlatform 2015- 2020” and “Family Plan Controlled”	Declaration of Benjamin Kung	
Exhibit No. DX-4641: Spreadsheet, file name “MAU 2015-2020 by platform_os.xlsx”	Declaration of Benjamin Kung	

Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party “establishes that the document[s], or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civil L.R. 79-5(b). A party seeking to seal a document must submit “narrowly tailored” requests, *id.*, and overcome the “strong presumption in favor of access” that applies to court documents other than those that are traditionally kept secret. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citation omitted). A party attempting to seal “evidence at trial must [] articulate ‘compelling reasons’ in favor of sealing.” *United States v. Bazaarvoice, Inc.*, 2014 WL 11297188, at *1 (N.D. Cal., 2014) (quoting *Kamakana*, 447 F.3d at 1178–79).

Compelling reasons exist to seal the information requested by Spotify for the reasons set forth in the Declaration of Benjamin Kung, which Spotify filed in support of its Administrative Motion to Seal.

Having considered Spotify’s Administrative Motion to Seal and supporting declaration, IT IS HEREBY ORDERED THAT Spotify’s Administrative Motion to Seal is GRANTED and the information above be sealed.

IT IS SO ORDERED.

1 Dated: _____, 2021

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4 Honorable Yvonne Gonzalez Rogers
5 United States District Judge
6 Northern District of California
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